



## King County

BUILDING AND FIRE SERVICES DIVISION  
Department of Development and Environmental Services  
900 Oakesdale Avenue Southwest  
Renton, WA 98057-5212

### Report to the City of Kirkland / SEPA Appeal L11AP001

Date of Transmittal: August 23, 2011

#### SUBJECT:

File No: SEPA Appeal L11AP001  
(Related SSDP L10SH004)

Applicant: Reza Mouhatjer Sabour  
P.O. Box 2401  
Kirkland WA 98038

Applicant's Counsel: Charles E. Watts, Attorney  
Oseran, Hahn, Spring, Straight & Watts, P.S.  
10900 N.E. Fourth Street #1430  
Bellevue, WA.98004  
425-455-3900

See substitution of  
counsel at the end  
of this report.

Appellant: Peter and Barbara Moe, represented by  
Brent Carson/Ray Liaw  
GordonDerr LLP  
2025 First Ave., Suite 500  
Seattle , WA. 98121-3272  
206-382-9540

Project Location: 8175 Juanita Drive NE, Kirkland  
Annexed into the City of Kirkland as of June 1, 2011

Appeal Action: The appellant is appealing King County's Threshold Determination of Non-Significance (DNS), issued by the Department of Development and Environmental Services (DDES) on April 26, 2011, regarding Shoreline Management Substantial Development Permit (SSDP) L10SH004, as it relates to construction within shoreline management jurisdiction of an approved three lot short subdivision (DDES File No.: L03S0019) (See Attachment A). Lot one of said short subdivision, including the proposed access driveway, storm drainage outfall from lots one and two, and a portion of the joint use driveway are located within the 200 foot

jurisdiction of the State Shoreline Management Act (SMA). Subsequent development anticipates demolition of the existing boathouse, repair/realignment of a bulkhead, construction of a single-family residence on proposed Lot 1, with associated driveway, water and sewer connections, and other utilities, together with the necessary storm water outfall facilities necessary for short plat construction.

Waterbody:	Lake Washington
Shoreline Statewide	
Significance:	Yes
Shoreline	
Designation:	Urban (King County)
Zoning:	R-6, Single Family Residential (King County)

## **BACKGROUND:**

Prior to the issuance of this report to the City of Kirkland, the complete written record contained in the SSDP and subject SEPA appeal files were reviewed. The record includes the appellants appeal arguments, the applicant's project submittal, notification forms, pertinent information included by staff and all correspondence and comments in response to the proposal as well as King County's decision documents.

1. Pursuant to the State Environmental Policy Act (SEPA), Ch. 43.21C RCW, the responsible DDES official issued a threshold DNS for the proposed development on April 26, 2011 (See Attachment A). This determination was based on the review of the environmental checklist received September 2, 2010, plans received April 19, 2010, and other supporting documentation and studies filed with the application, resulting in the conclusion that the proposal would not cause probable significant adverse impacts to the environment. Said documents are incorporated herein by reference. The appellants submitted a timely appeal of the subject DNS on May 19, 2011 (See Attachment B).
2. The site is currently developed with a single family residence, detached garage, boat house, and dock. The total site area is approximately 42,014 SF (0.965 acres). The site slopes to the south at slopes ranging from 5 to 25% with isolated areas over 40%. Vegetation is primarily lawn and landscaping with a few scattered apple trees. The site's pre-developed impervious area consists of a single family residence (2,415 SF), paved driveway (4,414 SF), detached garage (1,432 SF), and decks (435 SF). The site's natural point of discharge is Lake Washington. There is an existing undocumented bulkhead along the shoreline.
3. The applicant has obtained preliminary approval to subdivide the site into three new single family lots. All existing structures on the site will be removed. The existing driveway will be improved to meet King County Standards for the Joint-Use Access Tract and the conditions set forth by the approved road variance. A 12 inch storm-water conveyance system will collect all runoff generated by the driveway, roof and footing drains, discharging directly into Lake Washington. Since this site discharges into a receiving water body through a closed conveyance system, no runoff control is required. Lots two and three are located outside of the 200-foot Shoreline jurisdictional Line. Lot one, and the



storm drainage outfall for lots one and two as well as the Joint-Use Driveway (JUD) are located within the Shoreline jurisdictional area. The driveway to lot one will also require retaining walls (rockeries), which will be within the shoreline jurisdictional area.

4. The project is surrounded by single-family structures, bulkheads, boat houses, and docks all typical of what is found in the Urban Shoreline designation of Lake Washington.
5. The applicant's proposal includes demolition of the existing boat house and intended reconstruction of the block bulkhead along the shoreline of the site. The applicant proposes to retain the existing dock and launching rails. No permits or documentation exist that said bulkhead was ever legally established. Accordingly, the proposed development of lot one must be viewed as not including established shoreline protection. In order to construct shoreline protection the provisions of KCC 25.16.180 must be satisfied (See Attachment C). Pursuant to KCC 25.16.180 (D), shoreline protection is not an outright permitted use. As there is no legally established structure (residence) on lot one at this time any future location of this residence must be designed without reliance upon the construction of a bulkhead to achieve its placement. Given this scenario, legalizing the present bulkhead cannot be authorized through the subject SSDP. Subsequent design of the lot one residence may employ a "retaining wall" feature built above the Ordinary High Water Line (OHWL, 21.85 MSL) and away from the shoreline of Lake Washington (see KCC 25.08.100, bulkhead). In order to resolve the current code enforcement action (E0900440) the existing block bulkhead must be removed.
6. The subject SSDP and the overall short plat development are vested under the provisions of the King County Sensitive Areas Ordinance (SAO) (See Attachment D). There are no wetlands on the subject property and the SAO did not regulate the "aquatic areas" of Lake Washington.
7. During the public review period several comments were received from a local resident, by way of counsel, indicating deficiencies with the submitted SSDP application. In response the applicant provided additional information and clarification. DDES staff carefully reviewed both the comments and additional information and determined:
  - a. The steep slope within the northerly half of lot one has been graded and altered in the past and does not now exist as natural land form (See attachment E).
  - b. The proposed development is vested under the King County SAO and not subject to the current code standards of the KC 21A.24 and the King County Critical Areas Ordinance (CAO).
  - c. The applicants' proposed driveway access to lot one traversing said slope was approved under short plat revision L08RE004 on June 3, 2008 (See attachment F). Review of this driveway design is currently undergoing final engineering review.
  - d. The existing stone bulkhead is undocumented and therefore was constructed

without permits. Said bulkhead must be removed prior to the issuance of any building permit for a residence on lot one

#### APPEAL ISSUES:

1. On May 12, 2011, the appellants, Peter and Barbara Moe, by way of counsel, appealed the DNS, dated April 26, 2011, relative to Shoreline Management Substantial Development Permit (SSDP) L10SH004. Said appeal was filed in a timely fashion (See attachment B).
2. On May 20, 2011, the appellants, by way of counsel, submitted a "Statement of Appeal" in support of their Notice of Appeal (See Attachment G). The Statement of Appeal asserts the following grounds for the SEPA appeal:
  - a. Improper phased review of the applicants project.
  - b. Improper environmental review under the King County Sensitive Areas Ordinance (SAO).
  - c. Inadequate SEPA conditions regarding steep slopes on the site.
  - d. Failure to address probable significant adverse impacts.
3. The Department has reviewed each of the Appellants assertions and offers the following response:
  - A. During the review of Short Plat L03S0019, the then-proponents had not solidified a development proposal for work within that portion of lot one lying within Shoreline Management jurisdiction. It was generally assumed that future work within lot one would be of a residential character similar to other such residential uses along the shoreline of Lake Washington. Said short plat was conditioned such that prior to final engineering approval, and based upon a refined development proposal for lot one, compliance with the Shoreline Management Act (SMA) would need to be achieved either by way of an SSDP or SMA Exemption and SEPA review. Ownership of the proposed site subsequently changed hands. On April 19, 2010, the present applicants filed for an SSDP to do certain work within lot one and to satisfy condition #10 of the approved preliminary short plat. SEPA review was initiated for the work proposed under the requested SSDP.
  - B. A Notice of Application for the SSDP was issued on October 18, 2010. The notice referenced KCC Title 25 and KCC Ch. 21A.24 as the relevant regulations for "project mitigation." The notice also states the "proposal will be reviewed for compliance with all applicable King County codes." During the Departments' shoreline permit review it was concluded that under the provisions of KCC 21A.24.530, the subject SSDP is vested to the King County Sensitive Areas Ordinance (SAO) in effect at the time of the review of the "anchor" permit Short Plat L03S0019.

The short subdivision was reviewed under the County Sensitive Areas Code. The County code directs that for a period of five years after recording, a lot within a short subdivision shall be governed by the provisions of the sensitive areas or critical areas code in effect at the time a fully completed application for short subdivision approval



was filed. In this case, the short plat was determined to be complete and vested to the County Sensitive Areas Code. The shoreline substantial development permit is linked to the short plat and therefore also reviewed under the Sensitive Areas Code.

Rather than rely on the initial SEPA review done under the short plat, DDES initiated a new SEPA review under SSDP L10SH004 resulting in the April 26, 2011 DNS. SEPA notice for the threshold determination was properly issued on April 26, 2011.

The appellants assert that the original Notice of Application (NOA) for the SSDP gave incorrect information on the regulations applicable for permit review and they were consequently "denied an opportunity to appropriately comment on the DNS." This is incorrect. The NOA provides a comment opportunity for the SSDP. The issuance of the DNS provides the opportunity to comment on the DNS. These are separate and distinct processes. The appellants SEPA appeal does not encompass the validity of the SSDP or the original NOA.

Under KCC 20.20.060, DDES is required to provide a NOA which should include a "statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations." KCC 20.20.060(D)(10). KCC 20.20.060 acknowledges that any reference to regulations in the NOA is a "preliminary determination" and may change. Nothing in the King County Code requires new notice when a change in applicable regulations is made.

Notice requirements for purposes of SEPA review are distinct. WAC 197-11-340(2)(b), -502, and -510 provide the notice requirements for a SEPA threshold determination. There is no notice requirement for SEPA purposes prior to the threshold determination. The appeal to the hearing examiner is the opportunity to examine and challenge the regulations King County applied to reach its threshold decision.

Here, the threshold determination was issued concurrently with the SSDP on April 26, 2011. This was the first notice required for SEPA purposes. An appeal of the threshold determination was filed by the appellants. The scope of this appeal is limited to the adequacy of the threshold determination and does not encompass a challenge to the notice provided for the SSDP.

C. Following the Departments SEPA analysis of SSDP L10SH004 it was concluded that the proposed project does not pose a "probable significant adverse impact to the environment." Accordingly, the subject DNS was issued on April 26, 2011. Inherent in the DNS determination, and so stated in said document, is that the Department found that existing local, state, and federal regulations were adequate to address project impacts and that further mitigation under SEPA authority was not required. Specifically, SSDP L10SH004 was approved by DDES on April 26, 2011, subject to 18 conditions/mitigations which address project impacts.

DDES staff geologist reviewed the documentation in the files for the short plat, as well as the shoreline substantial development permit, and determined that the steep slope is not regulated per KCC 21A.24.310.D (See attachment H).

D. The appellants allege various “probable significant environmental impacts.” In the subsequent recital of asserted deficiencies the appellants then refers to them as “adverse environmental impacts.” As noted in section 3(C), above, DDES’ analysis has concluded that existing development regulations will adequately address and mitigate associated impacts with each of the project elements cited by the appellants.

Because the short plat was vested to the Sensitive Areas Code that did not regulate aquatic areas, or designated wildlife habitat, and the steep slope hazard was determined to be exempt.

The bulkhead removal will be reviewed in detail as part of engineering review of the short plat, and that review will address timing, methodology, and erosion controls to reduce any impact of bulkhead removal.

Demolition of the boat house will require a demolition permit from DDES. Adequate erosion control measures will be required as part of that permit.

Replacement of the bulkhead will not be allowed at the water’s edge. Construction of an upland retaining wall could be allowed, either as part of the short plat engineering review, or under a building permit for the eventual single family residence on the newly created Lot 1.

Single family residences are allowed uses within shoreline jurisdiction. A building permit would be reviewed for any proposed single family residence, for conformance with the Sensitive Areas Code.

Driveway access [Other than what was proposed through this permit???] would be reviewed in detail as part of short plat engineering review, or a subsequent building permit.

## **CONCLUSION:**

The applicant’s project has under gone environmental and regulatory review during both the Short Plat L03S0019 and SSDP L10SH010 processes. In each instance said permits were approved, subject to conditions/mitigations. The Short Plat is currently under going final engineering review. The applicant intends to develop the subject property in a manner similar to other properties located along the shoreline of Lake Washington. Existing codes and regulatory requirements, together with the stipulation and conditions of SSDP L10SH004 and Short Plat L03S0019, are adequate to address development impacts associated with this project.

## **RECOMMENDATION:**

The Determination of Non Significance issued April 26, 2011 should be SUSTAINED and the subject appeal DENIED.



**TRANSMITTED TO THE FOLLOWING PARTIES OF RECORD:**

CARSON BRENT GORDONDERR LLP  
2025 FIRST AVE STE 500 SEATTLE WA 98121

CHAN JIM DIVISION DIRECTOR  
BFSD DDES MS: OAK-DE-0100

CHEATUM TIM ENGR  
LUIS LUSD MS: OAK-DE-0100

CLAUSSEN KIM PPMIII  
PCS BFSD MS: OAK-DE-0100

DR STRONG CONSULTING ENGRS INC  
10604 NE 38TH PL #101 KIRKLAND WA 98033

DYE PETE SR ENGR  
ERS LUSD MS: OAK-DE-0100

HILL WAYNE & DEBORAH  
8187 N JUANITA DR KIRKLAND WA 98034

HOSSEIN MOHAJER  
P.O. BOX 2401 KIRKLAND WA 98083

JOHNSON MOLLY SUPERVISING DEV ENGR  
ERS LUIS LUSD MS: OAK-DE-0100

LEWIS JARROD SUPERVISOR  
PCS BFSD MS: OAK-DE-0100

LIAW H. RAY ATTORNEY GORDONDERR LLP  
2025 FIRST AVE STE 500 SEATTLE WA 98121-3140

MITCHELL MARK PPMIII  
PCS BFSD MS: OAK-DE-0100

MOE PETER & BARBARA  
10910 81ST PL NE KIRKLAND WA 98034



Department of Development & Environmental Services  
State Environmental Policy Act (SEPA)

---

**Determination of Non-significance (DNS)**  
**Sabour SSDP**  
**L10SH004**

**Date of Issuance:** April 26, 2011

**Project:** The requested permit is related to construction of an approved short subdivision (DDES File No.: L03S0019). Lot one of the short subdivision, including the access, storm drainage outfall from lots 1 and 2, and a portion of the joint use driveway are located within the 200-foot shoreline jurisdiction. Subsequent development anticipates demolition of the existing boathouse, repair-realignment of a bulkhead, construction of a single-family residence on proposed lot 1, associated driveway, water and sewer connections, and other utilities, together with the necessary storm water outfall facilities necessary for short subdivision constructions within the shoreline jurisdictional area.

**Location:** The project site is located at 8175 Juanita Drive NE, Postal City Kirkland

**Applicant /contact:** Reza Mouhajer Sabour  
P.O. Box 2401  
Kirkland WA 98083

**DDES SEPA Contact:** Mark Mitchell, Project/Program Manager III  
Phone No.: 206-296-7119  
E-mail: mark.mitchell@metrokc.gov

**King County Permits:** Shoreline Management Substantial Development Permit (SSDP)  
L10SH004

**Shoreline Environment:** Urban

**Existing Zoning:** R-6, Single Family

**Drainage Subbasin:** Lake Washington, WRIA 8

**Section/Township/Range:** NE 36-24-04

**Notes:**

- A. This finding is based on review of the project site plan received April 19, 2010, and environmental checklist received September 2, 2010 and other documents in the file.
- B. Issuance of this threshold determination does NOT constitute approval of the permit. This proposal will be reviewed for compliance with all applicable King County codes, which regulate development activities, including Clearing/Grading code, Surface Water Design Manual, and Critical Areas Regulations.

ATTACHMENT A



C. The proposed project is currently being reviewed as an element of final engineering review of approved short subdivision L03S0019.

D. During the public review period several comments were received from a local residence by way of counsel, indicating deficiencies with the submitted SSDP application. In response the applicant provided additional information and clarification. DDES staff carefully reviewed both the comments and additional information and determined:

- a. The steep slope within the northerly half of lot one has been graded and altered in the past and does not now exist as a natural land form.
- b. The proposed development is vested under the King County SAO and not subject to the current code standards of the KC 21A.24 and the King County Critical Areas Ordinance (CAO).
- c. The applicants' proposed driveway access to lot one traversing said slope is permissible. Review of this driveway design is under final engineering review as an element of final short subdivision approval (L03S0019).
- d. The existing stone bulkhead is undocumented and therefore was constructed without permits. Said bulkhead must be removed prior to the issuance of any building permit for a residence on lot one.

### **Threshold Determination:**

The responsible official finds that the above described proposal does not pose a probable significant adverse impact to the environment.

This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11 after reviewing the environmental checklist and other information on file with the lead agency and considering mitigation measures which the agency or the applicant will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. The Department will not require further mitigation measures under SEPA beyond those available under existing local, state, and federal regulations.

### **Comments and Appeals:**

The SEPA determination may be appealed in writing to the King County Hearing Examiner. Written comments or a notice of appeal must be filed with the Department of Development and Environmental Services (DDES) at the address listed below prior to 4:00 p.m. on May 13, 2011, and be accompanied with a filing fee of \$250.00 payable to the King County Office of Finance. Please reference the file numbers when corresponding.

If a SEPA Appeal is filed, the appellant must also file a Statement of Appeal with DDES at the address listed below prior to 4:00 p.m. on May 20, 2011. The Statement of Appeal shall identify the decision appealed (including the file number) and the alleged errors in that SEPA decision.

The Statement of Appeal shall state: 1) specific reasons why the decision should be reversed or modified; and 2) the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based on matters or issues raised in the Statement of Appeal. Failure to timely file a Notice of Appeal, appeal fee or Statement of Appeal, deprives the Hearing Examiner of jurisdiction to consider the appeal.

<b>Comment/appeal deadline:</b>	<b>4:00 p.m. on May 13, 2011</b>
<b>Appeal filing fee:</b>	\$250 check or money order made out to the King County Office of Finance
<b>Address for comment/appeal:</b>	King County Land Use Services Division 900 Oakesdale Avenue SW Renton, WA 98057-5212 <u>ATTN:</u> Planning and Customer Services Section

**Responsible Official:**



Jarrod M. Lewis, Supervisor  
Planning and Customer Services Section  
Building and Fire Services Division

4/26/11  
\_\_\_\_\_  
Date Signed

**Date Mailed:** April 26, 2011



RECEIVED  
MAY 12 2011  
KING COUNTY DDES

BEFORE THE HEARING EXAMINER OF KING COUNTY

In The Matter of a Determination of Non-  
Significance for a Shoreline Substantial  
Development Permit by Applicant Reza  
Mouhajer Sabour

DDES File No. L10SH004

NOTICE OF APPEAL

Appellants Peter and Barbara Moe submit this Notice of Appeal of a  
Determination of Non-Significance issued on April 26, 2011 by the Department of  
Development and Environmental Services ("DDES"), for a shoreline substantial  
development permit by applicant Reza Mouhajer Sabour, DDES File Number L10SH004.

Appellants: Peter and Barbara Moe  
10910 - 81st P I NE  
Kirkland, WA 98034

Counsel for Appellants: Brent Carson  
Ray Liaw  
GordonDerr LLP  
2025 First Avenue, Suite 500  
Seattle, WA 98121  
206-382-9540  
206-626-0675 (fax)  
[bcarson@GordonDerr.com](mailto:bcarson@GordonDerr.com)  
[rliaw@GordonDerr.com](mailto:rliaw@GordonDerr.com)

NOTICE OF APPEAL - 1

**GordonDerr.**

2025 First Avenue, Suite 500  
Seattle, WA 98121-3140  
(206) 382-9540


**LIAPOO**

ATTACHMENT B

1 Enclosed with this Notice of Appeal you will find the filing fee of \$250.00.  
2 Appellants' Statement of Appeal will be filed by the published deadline.  
3

4 DATED this 12<sup>th</sup> day of May, 2011.  
5

6 GORDONDERR LLP  
7

8 By   
9 Brent Carson, WSBA # 16240  
10 H. Ray Liaw, WSBA # 40725  
11 Attorneys for Peter and Barbara Moe  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

NOTICE OF APPEAL - 2

**GordonDerr.**

2025 First Avenue, Suite 500  
Seattle, WA 98121-3140  
(206) 382-9540



25.16.180. Shoreline protection. Shoreline protection may be permitted in the urban environment, provided:

.... D. Shoreline protection shall not be considered an outright permitted use and shall be permitted only when it has been demonstrated that shoreline protection is necessary for the protection of existing legally established structures and public improvements or the preservation of important agricultural lands as designated by the Office of Agriculture.



**King County**

**Department of Development  
and Environmental Services**

900 Oakesdale Avenue Southwest  
Renton, WA 98057-5212

206-296-6600 TTY 206-296-7217

[www.kingcounty.gov](http://www.kingcounty.gov)

April 4, 2011

TO: Mark Mitchell, Program/Project Manager III

FM: Laura Casey, Environmental Scientist III *LCasey*

RE: Ecological Critical Areas Review of L10SH004

I have reviewed the plans and application materials for L10SH004 for the work to be done within shoreline jurisdiction as part of Short Plat L03S0019 and Building Permit Application B10L0112. This project is located within the Urban shoreline jurisdiction.

The entire project is vested under the King County Sensitive Areas Code. There are no wetlands associated with this parcel, and the Sensitive Areas Code did not regulate aquatic areas.

The Shoreline Substantial Development Permit should be written to include demolition of the existing boathouse and repair or reconstruction of the bulkhead at Lake Washington, in order to resolve Code Enforcement Case E0900440.

I have no recommended conditions of approval for this shoreline substantial development permit, since there are no ecological sensitive areas.

Cc: Kim Claussen, Program Project Manager III  
Pete Dye, Senior Review Engineer  
Greg Wessel, Licensed Geologist, Environmental Scientist III

ATTACHMENT D



L08RE004  
Geotechnical Comments:  
Todd Hurley  
206.296.7267  
[todd.hurley@kingcounty.gov](mailto:todd.hurley@kingcounty.gov)

I have reviewed the geotechnical aspects of this project under the original short plat application and subsequently under a critical areas inquiry (L07A205). During the critical areas inquiry process, I evaluated a November 10, 2006 report by Geotech Consultants and reviewed aerial photos from 1936. Given inconclusive air photo evidence, I then requested further analysis of the potential influence of changing lake levels on the slope. In particular, I asked if the observed soil and topographic conditions could be explained by the changing lake level without grading activities. In a response to my questions, the geotechnical engineer prepared a report dated March 21, 2007. In that report they conclude that lake levels approached but did not reach the base of slope and therefore could not remove loose sediments from the base of slope.

Based on that report, I agreed that the site would qualify for regulation under KCC 21A.24.310 D. That code section allows regrading previously legally created slopes and exempts some steep slopes from prescriptive development restrictions when they are less than 20 feet in height.

I have not seen a detailed grading plan, but the concept appears to include placing fill and a debris catchment barrier at the toe of the steep slope to lessen both the slope height and the risk of shallow failures. The house would then be set back a minimum of 15 feet from the new toe of slope. Where the slope will be less than 20 feet in height following grading, the 15 foot building setback could be waived if approved by the geotechnical engineer. Provided my understanding of the project is correct, it could be constructed as proposed in compliance with both the original short plat geotechnical restrictions and current code requirements.

As I understand it at this time, the steep slope restrictions on the short plat would not change under this revision, but, if desired by the applicant, we could provide added clarification that the slope is graded and could be re-graded subject to current code requirements at the time of a building or grading permit.

FILE COPY

L108H004



## King County

### Department of Development and Environmental Services

900 Oakesdale Avenue Southwest  
Renton, WA 98057-5212

206-296-6600 TTY 206-296-7217

www.metrokc.gov

June 3, 2008

Travis Price  
DR Strong Consulting Engineers  
10604 NE 38<sup>th</sup> Place, Suite 101  
Kirkland, WA 98033

RE: Baker/Kwon Preliminary Short Plat DDES File No. L03S0019)  
Revision Activity No. L08RE004

Dear Mr. Price:

The Subdivision Technical Committee has reviewed your revised Baker/Kwon preliminary short plat and finds that the proposal is minor and within the spirit and intent of the preliminary approval. Based upon our findings, approval is granted to the revised preliminary plat submitted February 13, 2008 subject to all original conditions of approval and the following conditions:

1. Relocate Lot 1 to the lower portion of the site, and adjust Lot 2 and 3 accordingly.
2. Place the Joint Use Driveway (JUD) in a separate tract.

Enclosed is a copy of the approved revision for your records. If you have any questions, please call me at (206) 296-6673.

Sincerely,

Shannon Dorr  
Project/Program Manager II

Cc: Curt Foster, Engineering Review Section, LUSD w/enc  
Pete Dye, Engineering Review Section, LUSD w/enc  
Kris Langley, Senior Engineer, KCDOT w/enc  
Ray Florent, Engineering Review Section, LUSD w/enc  
Steve Townsend, P.E., Supervising Engineer, w/enc  
Joanne Carlson, AS II, Engineering Review Section, LUSD w/enc  
File w/enc